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**Permanent Forum on Indigenous Issues**
**Eighth session**
New York, 18-29 May 2009
Item 4 (a) of the provisional agenda*
**Human rights: implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

## Report of the international expert group meeting on the role of the Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples

*Summary*

The present report provides an overview of the issues discussed at the international expert group meeting on the role of the Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, held at United Nations Headquarters from 14 to 16 January 2009.

Following the discussions, the meeting recommended, inter alia, that the Permanent Forum decide to invite participants in the sessions of the Forum, States in particular, indigenous peoples and United Nations agencies to submit written reports under article 42 of the Declaration providing substantive information on the implementation of the Declaration at the national and local levels; and to appoint a task team consisting of eight members of the Permanent Forum to examine the reports and communicate with the submitting parties as appropriate. The meeting also recommended that the Permanent Forum encourage national human rights institutions and indigenous peoples' institutions to promote respect for and full implementation of the Declaration at the national and local levels.

* E/C.19/2009/1.

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# I. Introduction

1. The General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex) on 13 September 2007. Article 42 of the Declaration signals a new mandate for the Permanent Forum on Indigenous Issues.

2. The responsibilities conferred by article 42 constitute new functions for the Permanent Forum under its overall human rights mandate, established by resolution 2000/22 of the Economic and Social Council. At its seventh session, the Permanent Forum recommended that the Council authorize the holding of an international expert group meeting to discuss in greater detail how the Permanent Forum should address its new mandate under article 42 of the Declaration. At its substantive session of 2008, the Council approved the Forum's recommendation by its decision 2008/249.

# II. Organization of work

## A. Dates, venue and programme of work

3. The meeting was held at United Nations Headquarters in New York from 14 to 16 January 2009.

4. The programme of work is reproduced in annex I to the present report.

## B. Attendance

5. The meeting was attended by experts from the seven indigenous sociocultural regions; members of the Permanent Forum; the Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples; observers from departments, agencies, funds and programmes of the United Nations system; observers from other intergovernmental organizations, indigenous peoples' organizations and bodies and non-governmental organizations; and observers representing Member States.

6. The list of participants is contained in annex II to the present report.

## C. Documentation

7. The participants had before them a draft agenda and programme of work, a background paper and documents prepared by participating experts. In addition, a number of documents were submitted to the meeting by observers. A list of the meeting documents appears in annex III to the present report. All listed documents are available on the website of the Permanent Forum at www.un.org/esa/socdev/unpfii/en/EGM_A42.html.

## D. Opening of the meeting

8. At the opening of the meeting, the Acting Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs made a statement.

### E. Election of officers

9. Victoria Tauli-Corpuz was elected Chairperson of the meeting and Les Malezer was elected Rapporteur.

### F. Adoption of the recommendations

10. On 16 January 2009, the meeting adopted by consensus the conclusions and recommendations contained in section III below.

### G. Closure of the meeting

11. The meeting was closed after the conclusions and recommendations were adopted at the final session, held on 16 January 2009.

## III. Narrative, conclusions and recommendations

### A. Introductory remarks

12. The Chairperson of the Permanent Forum on Indigenous Issues introduced the subject of the meeting. She pointed out that the adoption of the Declaration marked a major victory for the world's indigenous peoples and an extraordinary achievement in international standard-setting and presented a key opportunity to motivate States to comply with human rights standards, including those set forth in the Declaration.

13. Article 42 of the Declaration signals a new mandate for the Permanent Forum, establishing that:

> The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

14. Since its establishment in 2002, the Permanent Forum has integrated human rights into its overall work and has been developing its work in a number of ways.

15. The Permanent Forum has created an open forum to hear statements about the situation of the human rights of indigenous peoples, including a forum for dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and other human rights rapporteurs. On the basis of the information and reports provided by indigenous peoples, United Nations agencies and States, and the ensuing debates during its sessions, the Permanent Forum has developed a substantial number of recommendations addressing the human rights of indigenous peoples. On the basis of the Forum's recommendations, the secretariat of the Permanent Forum in cooperation with the Inter-Agency Support Group on Indigenous Issues promoted the operationalization of the human rights-based approach to development regarding indigenous peoples through the adoption of the United Nations Development Group guidelines on indigenous peoples' issues.

16. During its sixth session, in 2007, the Permanent Forum appointed two of its members, Ida Nicolaisen and Wilton Littlechild, to conduct a study on the structures, procedures and mechanisms that presently exist and that might be established to effectively address the human rights situation of indigenous peoples and to arrange for indigenous representation and inclusion in such structures, procedures and mechanisms. In their report (E/C.19/2008/2), the two members called upon the Permanent Forum to ensure that the Declaration is integrated into its recommendations on the six substantive mandated areas of the Permanent Forum, as well as its work under the special theme for each session and its ongoing themes and priorities. They also recommended that the Permanent Forum consider the creation of a procedure within the Permanent Forum that would promote a constructive dialogue with States on the challenges, achievements and future action that indigenous issues require in each country under the Declaration. Such dialogue would take place periodically and enlist the participation of indigenous organizations as well as the United Nations system. It would create an enabling environment of cooperation at national and international levels, aiming at practical results on the ground, including through the international development agenda.

## B. Application of the Declaration

17. The experts noted that some United Nations agencies and the Inter-Agency Support Group had referred to the Declaration as a non-binding instrument, which they considered to be misleading. While it was not binding in the nature of, or to the degree of, a treaty, it was binding in character and States could become bound under international law in other ways besides treaty ratification. The Declaration was a human rights standard that did not create new or special rights but elaborated upon fundamental human rights of universal application and set those rights in the cultural, economic, political and social context of the indigenous peoples.

18. Participants noted that there was an emerging consensus that there was no need to reconcile the Declaration with ILO Convention No. 169. The two instruments had been negotiated at different times by different bodies and therefore diverged in a number of respects. They represented two different parts of the same body of standards and should be used as best as possible to protect, promote and fulfil the human rights of indigenous peoples.

19. The General Assembly had adopted article 42 of the Declaration, which called upon the Permanent Forum to promote respect for and full application of the Declaration and to follow up its effectiveness. The protracted negotiations on the content of the Declaration, connecting the perceptions of States and indigenous peoples, and the overwhelming support for the Declaration in the General Assembly had built substantial expectations that the Declaration would be implemented. States, as such, had expressed that view during the negotiations.

20. The experts agreed that a new mandate existed for the United Nations system, including the Permanent Forum, to encourage and assess measures to uphold the Declaration and that discourse with States on the application of human rights as expressed in the Declaration was required. One State expressed the view that the Declaration was non-binding and discussion ensued on the aspects of indigenous peoples' rights which were binding in character. It was recommended that United

Nations agencies and States be reminded of the binding characteristics of human rights as enshrined in the Declaration.

21. Participants agreed that it was important that the Permanent Forum integrate the Declaration into its recommendations on the six substantive mandated areas of its work as well as in its work under the special theme for each session and its ongoing themes and priorities. In doing so, the Permanent Forum should consider not only the articles of the Declaration but also the preambular paragraphs, which gave context to the instrument and were often overlooked. There was also the view that the Permanent Forum should integrate the Declaration into its future research projects and publications including country-specific studies, implementation guides and compilations of good practices.

22. In cases where negotiations with the State did not succeed, the Declaration could be a major factor in litigation for rights or in complaints brought before the human rights treaty bodies. The Declaration could also help to shift the dynamics of disputes so that the burden of proof was not always placed on indigenous peoples, but rather on States. Participants referred to examples where the Declaration had already been effectively used in dialogue between indigenous peoples and the State.

23. Experts proposed that a priority task should be for the Permanent Forum to elaborate and adopt interpretive statements or general comments on the most important provisions of the Declaration. That task could be conducted on the basis of studies and papers that would be prepared by members of the Permanent Forum with the assistance of relevant experts. The result would have to be debated and approved by the Permanent Forum. It was proposed that the Permanent Forum make it a goal to adopt a general comment on article 42 at the 2009 session. The Permanent Forum might also give attention to article 3, which would be of use to other forums, such as courts that were adjudicating the rights of indigenous peoples.

## C. Follow-up on the effectiveness of the Declaration

24. Experts agreed on the need to supervise the implementation and effectiveness of the Declaration. There was a proposal for a body similar to the human rights treaty bodies, where States could present reports on their actions with regard to the human rights of indigenous peoples, and where indigenous peoples could appeal for the defence of their rights on the basis of the Declaration.

25. Participants underscored the importance of the jurisprudence of the existing human rights treaty bodies and special procedures in addressing the human rights of indigenous peoples, but also expressed concerns regarding instances where the Declaration was not adequately utilized or indigenous issues were not sufficiently addressed, nor recommendations implemented. That had reportedly been the case with regard to the initial efforts of the Universal Periodic Review, which were characterized as lacking attention to the human rights and interest of indigenous peoples. Participants recommended that the Declaration be used as a framework for review and compliance in the Universal Periodic Review.

26. The suggestion was made that the Permanent Forum arrange its programme of work to provide dialogue with States in relation to the implementation of the Declaration. That dialogue should be based on good practices regarding the application of the Declaration. Creative ways could be developed for the substantive

preparation of dialogues, such as the dispatch to States of a questionnaire regarding implementation prepared by the Permanent Forum. The questionnaire should also be addressed to indigenous peoples' associations and disseminated to human rights organizations preferably by electronic means, including the website of the Permanent Forum. The questionnaire could be completed in cooperation between the Government and indigenous peoples.

27. The experts proposed that States be encouraged to report to the Permanent Forum on how they are implementing the Declaration. To that end, the Permanent Forum could create a task team or committee to engage in constructive dialogue with States on challenges, achievements and future action. The dialogue could include information provided by both Governments and indigenous peoples' organizations regarding their national policies and practices relating to or affecting indigenous peoples.

## D. Capacity development

28. Successful implementation of the Declaration ultimately depends on the extent to which indigenous peoples themselves understand and utilize the human rights regime, at the local as well as the national levels. States must meet their obligations to implement the Declaration, and indigenous peoples should be able to articulate and defend their rights and interests in accordance with universally accepted standards on human rights.

29. Capacity-building strategies are extremely important. Simplifying the text and developing direct translations of the Declaration into various indigenous languages will not in itself be sufficient without developing other capacity-building measures within both the indigenous and non-indigenous communities. The Declaration could provide the necessary framework for bringing together indigenous peoples' organizations at local, national and regional levels to organize for human rights outcomes. Strategies could consider the revitalization and strengthening of indigenous peoples' traditional systems and organizations; the effective participation of indigenous women and youth; the lobbying and other leadership capacities of indigenous peoples; the formation of alliances and networks; and legal reviews and research into indigenous peoples' rights and interests.

30. Any form of education on the Declaration has to address both indigenous and non-indigenous peoples, within a framework of respect for diversity and gender issues. Indigenous women have an important role to play in awareness-raising and capacity development.

31. To promote human rights education as a tool for capacity-building, dialogue and effective, direct participation by indigenous peoples is necessary, even dialogue on whether such human rights education is needed. Without the inclusion of distinct indigenous perspectives in training and capacity-building programmes, it will be difficult for indigenous peoples to achieve equity and mutual understanding with others. In particular the valuable contributions of indigenous peoples' organizations that are currently carrying out capacity-building and training programmes in indigenous communities, as well as for United Nations agencies, States and other international bodies, was noted. The Permanent Forum could dedicate a section of its website to post the educational and training materials developed by indigenous peoples, which could then be used as a resource for other indigenous peoples,

States, United Nations agencies and non-governmental organizations to build capacity for understanding and implementing the Declaration.

32. Training programmes with a specialized focus on indigenous peoples, such as those undertaken by indigenous peoples' organizations, United Nations agencies and human rights programmes in universities, already exist. These programmes should be considered in the development of capacity-building strategies and the strengthening of fellowship programmes. The secretariat of the Permanent Forum should compile a list of training programmes that already exist and whose organizers could be possible training partners.

33. According to one expert, human rights training needs to happen at ground level, among indigenous communities, with a strong emphasis on human rights education.

34. Training programmes for national parliamentarians and staff members of national institutions such as human rights commissions and other agencies could help in making the Declaration part of national policies. The Permanent Forum could consider organizing seminars and capacity-building training for permanent missions to the United Nations to help promote the importance of the Declaration among States.

35. An expert recommended that the Declaration be transformed into audiovisual documents in view of the high rates of illiteracy among indigenous peoples. Virtual resources and new technologies could also be used in training programmes as well as for guidelines and education kits on the rights of indigenous peoples. Visual documents required time and financial resources, but could be accomplished with political will.

36. One expert recommended the use of new technologies to strengthen networks and disseminate the Declaration among indigenous communities. In that regard, a Chilean non-governmental research institution organized a virtual seminar as a way to provide input to the expert group meeting. This experiment was very successful, with 264 people representing 76 indigenous peoples participating from 21 countries (see report at www.un.org/esa/socdev/unpfii/documents/EGM_Art_42_CEPDI.doc).

37. Other awareness-raising efforts could include a campaign, coordinated by the secretariat of the Permanent Forum in collaboration with United Nations bodies and specialized agencies, particularly the Department of Public Information and its field offices, together with non-government organizations and Member States.

38. There is a need to educate United Nations staff members working at international, regional and national levels. Such training will be done extensively through inter-agency efforts to roll out the United Nations Development Group guidelines on indigenous issues. One good example is the International Fund for Agricultural Development (IFAD), a United Nations agency that mobilizes indigenous people in Latin American countries and develops important partnerships and networks in the region with indigenous organizations. Permanent Forum members could work directly with the United Nations system in Ecuador to explain the Declaration and its implications. Moreover, the Permanent Forum could consider engaging all United Nations country teams through the use of a questionnaire to assess their work involving indigenous peoples and identifying gaps and challenges.

39. Experts suggested that the secretariat and the United Nations system could provide financial resources to increase the prominence of the Declaration.

40. In many instances, extractive industries and financial institutions have direct impact on indigenous people and it is therefore important that training on the Declaration be provided to the private sector.

41. The Permanent Forum could host annual meetings in each of the seven regions of indigenous peoples to monitor the application of the Declaration, in accordance with the Programme of Action for the Second International Decade of the World's Indigenous People. Consistent with articles 39 and 41 of the Declaration, the United Nations Voluntary Fund for Indigenous Populations should be authorized to fund such meetings and States should be encouraged to contribute to the Voluntary Fund to build the capacity of indigenous peoples to enjoy their human rights.

## E. Promotion at State level

42. The experts reiterated that States have primary responsibility for the implementation of the Declaration.

43. In considering article 42, articles 39 and 41 must also be considered. Article 39 addresses the right to access to technical and financial cooperation from States, while article 41 refers to technical and financial cooperation from the United Nations and other intergovernmental organizations.

44. Bolivia was proposed as a good example of the Declaration being made national law. On 25 January 2009, a referendum would be held to adopt a new Constitution, which would incorporate rights and principles from the Declaration.

45. In federated States, a number of provincial legislatures have also supported the Declaration. For example, the North West Territories in Canada passed legislation supporting the Declaration. Similarly, the governments of Hawaii, Arizona and Maine in the United States of America have enacted legislation.

46. Implementing the Declaration at the State level involves economic implications and political will, particularly in States that recognize their historical injustices towards indigenous peoples. Hence, the need to disseminate and inform indigenous communities of the Declaration is an important development and requires coordination between States and United Nations agencies.

47. The importance of continuing to engage with States that abstained or voted against the Declaration was emphasized. It was suggested that States that supported the Declaration host a meeting with States that did not.

48. The participants referred to the important function of the United Nations High Commissioner for Human Rights and noted the resources available through the Office of the High Commissioner to support and coordinate the human rights work of the special mechanisms, including in the preparation of reports for the Universal Periodic Review. The application of the Declaration and the status of indigenous peoples should be one of the focal points for the Office when dealing with State issues.

49. National human rights institutions, especially where they comply with the Paris Principles, are key structures for the promotion and protection of human rights. The Permanent Forum could consider drafting strategies for national human

rights institutions to be involved in the application of the Declaration. The Permanent Forum could look at policies country by country and region by region. Special efforts should be made to educate members of the judiciary on the Declaration, as they may be responsible for adjudicating the rights of indigenous peoples. Further, specialized United Nations agencies could also consider working with the Permanent Forum in drafting strategies for national human rights institutions to incorporate the Declaration into their work.

50. Given the increase in natural disasters and conflicts, it is also important to remind States to incorporate the Declaration into any emergency humanitarian response plan, as indigenous peoples are among the most vulnerable in situations of humanitarian crisis.

51. The United Nations system should continue its work on the treaties between States and indigenous peoples. Participants suggested that a seminar or conference on this subject be undertaken, to be hosted by a tribal nation or assembly in North America.

52. The Permanent Forum could facilitate implementation of the Declaration at the national level where requested by States, for example, by undertaking joint missions with United Nations agencies.

## F. Cooperation within the United Nations system

53. Participants discussed how, in working for the implementation of the Declaration, United Nations agencies and bodies could coordinate their work and ensure maximum complementarity of efforts.

54. The three United Nations mechanisms with specific mandates to address indigenous peoples are the Permanent Forum, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Expert Mechanism on the Rights of Indigenous Peoples. It was agreed that coordination and collaboration among them was essential.

55. The Special Rapporteur, in a written statement, described the different roles of the Special Rapporteur and the Permanent Forum, observing that their mandates represented distinct parts of a holistic system working together to achieve the effective implementation of the Declaration in accordance with article 42. He stressed the monitoring aspect that constitutes the thrust of his mandate and his commitment to ensuring complementarity with the Permanent Forum and the Expert Mechanism.

56. The Chairperson of the Expert Mechanism emphasized that there were many ways that the three entities could coordinate their efforts. Cooperation could include participation in one another's events, joint research or providing inputs to one another's research. It was also agreed that there was a need for the three mechanisms to meet on an annual basis. A first meeting would be held in Madrid in February 2009. Finally, it was noted that financial constraints would have to be overcome to ensure regular meetings. The Chairperson of the Expert Mechanism informed the meeting that the Expert Mechanism had decided to include a separate agenda item at its next session entitled "United Nations Declaration on the Rights of Indigenous Peoples" with a view to discussing possible procedures and mechanisms for application of the Declaration at the regional and national levels.

57. The Permanent Forum should maintain ongoing communication with the human rights treaty bodies on the application of the Declaration, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child. Recommendations must focus on the obligation of States to comply with the provisions of the Declaration whenever indigenous rights are involved. It is important for the Declaration to be utilized by the Human Rights Council, including during its Universal Periodic Review.

58. In addition to naming the Permanent Forum, article 42 calls upon all United Nations bodies and specialized agencies to promote and work towards the implementation of the United Nations Declaration. Participants stressed that, given the tremendous task of implementation, the efforts of all such bodies would be necessary. Several agencies highlighted their efforts to implement the Declaration. These include the translation of the Declaration into many languages, promoting awareness of the Declaration among agency staff, promoting it in their technical services and creating practical guides.

59. The Permanent Forum should engage with United Nations agencies in joint implementation efforts and compile practical handbooks or advisory papers for the United Nations system that highlight opportunities for implementing the Declaration. The Permanent Forum could participate with United Nations agencies in joint missions to countries, which could be an important catalyst for closer cooperation. In this regard it was noted that, following a 2008 recommendation regarding the plight of the Guarani people in the Chaco regions of Bolivia and Paraguay, the Permanent Forum had been invited by the Governments of both countries to undertake a mission. The mission was being planned in consultation with a number of agencies, including the Food and Agriculture Organization of the United Nations, IFAD and the International Labour Organization.

60. The work of the Inter-Agency Support Group is essential. In February 2008, the group held a special meeting in Geneva on the promotion of the Declaration and established a road map for the agencies to work in a cooperative fashion (see E/C.19/2008/CRP.7).

61. Some participants praised the work of the Economic Commission for Latin America and the Caribbean in improving statistics and analytical data related to indigenous issues and stated that, unfortunately, the accomplishments of the regional commissions were uneven in that regard. The Permanent Forum could help the regional commissions to incorporate indigenous issues in their programmes of work.

62. It was also suggested that the Permanent Forum look beyond the United Nations to work with regional groups, such as the Organization of American States, the Association of Southeast Asian Nations, the African Union, the European Union and the Commonwealth, towards implementation of the Declaration.

## G. Recommendations

63. The meeting notes with appreciation the papers submitted and the many constructive recommendations, suggestions and ideas presented by the participants

on a variety of subjects, as highlighted in the present report, and brings these to the attention of the Permanent Forum for appropriate action.

64. The meeting recommends that the Permanent Forum adopt the following text:

The Permanent Forum on Indigenous Issues,

Noting that the General Assembly adopted the Declaration on the Rights of Indigenous Peoples by resolution 61/295 of 13 September 2007;

Recalling article 42 of the Declaration, which states:

> The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration;

Having decided to include in future sessions an agenda item titled "United Nations Declaration on the Rights of Indigenous Peoples";

Therefore decides:

(a) **To invite participants, including representatives of States, indigenous peoples and United Nations agencies, to submit written reports under this topic;**

(b) **To appoint a task team consisting of eight members to examine reports and communicate with the submitting parties as may be appropriate;**

(c) **To encourage States in particular to support this procedure and to use it as an opportunity to provide the Permanent Forum with substantive information on the implementation of the Declaration and a reliable assessment of the effectiveness of the Declaration at the national and the local levels;**

(d) **To encourage national human rights institutions and indigenous peoples' institutions to promote respect for and full implementation of the Declaration at the national and local levels;**

(e) **To also encourage States to incorporate adequate information on the implementation of the Declaration in the "core report" to the human rights treaty bodies;**

(f) **To recommend that States, in the spirit of a harmonious and cooperative relationship with the indigenous peoples, establish as soon as possible where it does not already exist a national dialogue with indigenous peoples on human rights based on the Declaration.**

65. The meeting recommends that the Permanent Forum adopt the following text:

***Is aware* that significant financial and other resources are required within the United Nations system to implement article 42 of the Declaration on the Rights of Indigenous Peoples. The Secretary-General should provide an adequate budget for the purpose of meeting the requirements of article 42 of the Declaration as it may apply to the Permanent Forum, its Secretariat and relevant actions;**

***Reminds*** **all agencies of the United Nations system to take note of and respond to article 42 of the Declaration on the Rights of Indigenous Peoples and, as a matter of priority, directly integrate relevant provisions of the Declaration into their policies, programmes and strategies. Agencies should respond to the urgent need to promote and increase the capacity of indigenous peoples to exercise and implement their human rights as contained in international human rights instruments, including the Declaration. Furthermore, agencies should undertake initiatives, within a reasonable time frame, to ensure indigenous peoples' effective engagement, dialogue and negotiations regarding the exercise of their human rights. Accordingly the Permanent Forum strongly urges United Nations agencies to review their budgets and ensure that programmes and strategies aptly benefit and are in direct support of indigenous peoples;**

***Agrees*** **that the Trust Fund on Indigenous Issues, including its part under the Second International Decade of the Worlds Indigenous People, should assist indigenous peoples to participate in and conduct activities consistent with the purposes of article 42. Donors are urged to increase their contributions or, in the case of new contributors, to make donations to the Trust Fund commensurate with the importance of implementing articles 39 and 42.**

# Annex I

## Programme of work

**Wednesday, 14 January**

*10-10.30 a.m.*

**Item 1** **Opening of meeting**

*Opening presentation*

Elsa Stamatopoulou

**Item 2** **Election of Chairperson and Rapporteur**

*Presentation by the Chairperson*

*10.30 a.m.-1 p.m.*

**Item 3** **Integration of the Declaration into the ongoing work of the Permanent Forum**

- How can the Permanent Forum integrate the promotion of the Declaration into its ongoing work? For example, how can the Permanent Forum ensure that the Declaration is incorporated into its own recommendations on the six substantive mandated areas of its work, as well as its work under the special theme for each session and its ongoing themes and priorities?
- How might the Permanent Forum best promote respect for and full application of the Declaration, and follow up on its effectiveness through its own research (for example, through its practice of appointing Permanent Forum members as special rapporteurs to conduct selected studies or research)? What types of research would best contribute to the implementation of the Declaration (for example, country-specific studies, implementation guides, compilations of best practices)?
- How can the Permanent Forum develop article-specific commentaries on the Declaration?
- What resources would be required by the Permanent Forum and its secretariat? In this regard, should the Permanent Forum seek to develop relationships with academic institutions that might participate in the development and dissemination of research materials and, in doing so, contribute additional resources to implementation efforts?

*Presentations*

Bartolomé Clavero

Mick Dodson

*Discussion on the item*

*3 p.m.-4.30 p.m.*

**Item 4** **Capacity development for indigenous and non-indigenous communities and organizations**

- How can the Permanent Forum promote the dissemination of and capacity-building on the Declaration for indigenous peoples' organizations and both indigenous and non-indigenous communities?
- How can the Permanent Forum best support indigenous peoples' organizations in their efforts to implement the provisions of the Declaration at local, national and regional levels?

*Presentations*

Monica Aleman

Joan Carling

Dalee Sambo

*Discussion on the item*

*4.30 p.m.-6 p.m.*

**Item 5** **Promotion of respect for and full application of the Declaration at the State level**

- Given that the Declaration outlines the obligations of States, how can the Permanent Forum best work with States to support their efforts in the implementation of the Declaration at local, national and regional levels?
- How can the Permanent Forum promote cooperative solutions to problems between Governments and indigenous peoples at the country level within the context of the Declaration?
- How can the Permanent Forum encourage States to require private sector actors to also comply with the provisions of the Declaration?
- How can the Permanent Forum promote the dissemination of the Declaration to key State actors, including government agencies and parliamentarians? How might the Permanent Forum best promote dissemination of the Declaration to additional key groups working at the national level, such as judicial officials, lawyers, professors and members of the media?

*Presentations*

Wilton Littlechild

Margaret Lokawua

Carlos Mamani

*Discussion on the item*

**Thursday, 15 January**

*10 a.m.-12 p.m.*

**Item 5 (*continued*)** **Promotion of respect for and full application of the Declaration at the State level**

*Continued discussion on the item*

*12 p.m.-1 p.m.*

*3 p.m.-5 p.m.*

**Item 6** **Dialogue with States regarding respect for and application of the Declaration and follow-up on its effectiveness**

- During the 2008 session of the Economic and Social Council, Member States provided voluntary reports regarding their efforts at the country level on the Millennium Development Goals. Taking this practice as an example and, given the participation of States in the Permanent Forum sessions and the voluntary submission of information to it by numerous Governments, how can the Permanent Forum encourage States to further share promising national practices with regard to indigenous peoples?
- Could the information provided by Governments to the Permanent Forum on their relevant national policies and practices become the basis for constructive dialogues between Governments and the Permanent Forum? What could be the contribution of the system and indigenous organizations to such dialogues?
- What methodologies should be followed by the Permanent Forum in promoting and facilitating constructive dialogues with States? When would such meetings be held (for example, before, during or between sessions of the Permanent Forum)? How should such dialogues be structured and who should participate? What outcome and follow-up would be expected or sought from such dialogues?
- What resources would be required by the Permanent Forum and its secretariat to pursue such dialogues?

*Presentations*

Tonya Gonnella Frichner

Les Malezer

*Discussion on the item*

*5 p.m.-6 p.m.*

**Item 7** **Cooperation within the United Nations**

- In carrying out its responsibilities under article 42, how can the Permanent Forum coordinate its efforts with those of the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people and the Expert Mechanism on the Rights of Indigenous Peoples?
- How can the Permanent Forum promote the integration of the Declaration and the inclusion of indigenous peoples into the planning and work of United Nations country teams?
- How can the Permanent Forum ensure that its members enjoy close and fruitful relationships with United Nations country teams regarding the Declaration?
- How can the Permanent Forum and its secretariat best disseminate the Declaration and promote the application of its provisions within the United Nations system?
- How can the Permanent Forum work together with ILO to create an operational interpretation that reconciles and strengthens both the Declaration and ILO Convention No. 169?
- How can the Permanent Forum best learn from the experiences of other United Nations bodies in their promotion of other human rights instruments, such as the Convention on the Rights of the Child?

*Presentations*

Dmitry Berezhkov

*Discussion on the item*

**Friday, 16 January**

*10 a.m.-1 p.m.*

**Item 7** **Cooperation within the United Nations**
(*continued*)

*Continued discussion of the item*

*3 p.m.-6 p.m.*

**Item 8** **Adoption of conclusions and recommendations**

# Annex II

## List of participants[a]

### Invited experts from the seven indigenous sociocultural regions[b]

Dalee Sambo (Arctic)

Joan Carling (Asia)

Monica Aleman (Central and South America and the Caribbean)

Dmitry Berezhkov (Eastern Europe, Russian Federation, Central Asia and Transcaucasia)

Wilton Littlechild (North America)

Les Malezer (Pacific)

### Members of the Permanent Forum

Victoria Tauli-Corpuz

Bartolomé Clavero

Michael Dodson

Tonya Gonnella Frichner

Margaret Lokawua

Carlos Mamani

### Expert Mechanism on the Rights of Indigenous Peoples

John Henriksen (Chairperson)

### Secretariat of the United Nations

Department of Economic and Social Affairs/Division for Sustainable Development

Department of Economic and Social Affairs/Secretariat of the United Nations Forum on Forests

Department of Public Information

[a] The Special Rapporteur on the situation on human rights and fundamental freedoms of indigenous people, S. James Anaya, was unable to attend the meeting but submitted a statement (see annex III).

[b] Naomi Kipuri (Africa) was invited to the meeting but was unable to attend.

## Organizations of the United Nations system and other intergovernmental organizations

European Commission

Food and Agriculture Organization of the United Nations

International Labour Organization

International Office for Migration

Regional Commissions New York Office

United Nations Children's Fund

United Nations Development Fund for Women

United Nations Educational, Scientific and Cultural Organization

United Nations Environment Programme

United Nations Human Settlements Programme

United Nations Population Fund

World Bank

World Food Programme

## Indigenous peoples' organizations and bodies

Aotearoa Indigenous Rights Trust

Comisión Jurídica de los Pueblos de Integración Tawantinsuyana

Comunidad Campesina de Tauria

Foundation for Research and Support of the Indigenous Peoples of Crimea

Resource Centre for the Rights of Indigenous Peoples

Habitat Pro Association

International Indian Treaty Council

Internationale Touareg

Mohawk Nation at Kahnawake

Montagnard Foundation

Navajo Nation Council

Onondaga Nation

Organización Indígena Andes Chinchaysuyo del Ecuador

Organización Regional de la Mujer Indígena

Russian Association of Indigenous Peoples of the North

Red de Mujeres Indígenas sobre Biodiversidad

Yamassee Native American She-Clan

Southern Mongolian Human Rights Information Center

Tamu Chhojdhi

United Confederation of Taino People

## Non-Governmental Organizations

International Work Group for Indigenous Affairs

Tribal Link

### States

Australia, Bolivia, Botswana, Chile, China, Colombia, Ecuador, Finland, Holy See, Indonesia, Japan, Mexico, Nepal, New Zealand, Portugal, Russian Federation, Seychelles, Singapore, Sweden, Venezuela, Viet Nam

# Annex III

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United Nations E/C.19/2009/3

# Economic and Social Council

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**Eighth session**
New York, 18-29 May 2009
Item 6 of the provisional agenda*
**Comprehensive dialogue with six United Nations agencies and funds**

## Information received from the United Nations system and other intergovernmental organizations

### United Nations Population Fund

*Summary*

The present report contains a summary of results and activities that the United Nations Population Fund (UNFPA) has contributed towards, with and in support of, indigenous peoples in recent years, with a particular focus on 2008, addressing in particular indigenous women's rights and reproductive rights, in line with the recommendations of the Permanent Forum. The activities of the Fund have focused on promoting indigenous peoples' rights, including reproductive rights, through supporting increased access of indigenous peoples and ethnic minorities to enhanced quality intercultural reproductive health services, with emphasis on pertinent policies, norms and improved services, largely aimed at addressing maternal mortality among indigenous women. UNFPA has also worked on supporting the prevention of HIV and AIDS among indigenous peoples, especially indigenous youth, including migrant youth, and has contributed to advancing gender equality and empowerment among indigenous women and their organizations, but also targeting adolescents and youth. Through research studies and data collection, dissemination and usage promotion, UNFPA has contributed to increasing the knowledge base on the situation of indigenous peoples, particularly women, and ethnic minorities in Latin America and Asia. In all its work, UNFPA incorporates a gender and culturally sensitive, human rights-based approach, promoting inclusive, participatory initiatives in favour of indigenous peoples and ethnic minority populations.

* E/C.19/2009/1.

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# I. Introduction

1. The United Nations Population Fund (UNFPA) mission statement declares that UNFPA promotes the right of every woman, man and child to enjoy a life of health and equal opportunity and supports countries in using population data for policies and programmes to reduce poverty and to ensure reproductive rights and gender equality.

2. At its fifth session, in May 2006, the Permanent Forum on Indigenous Issues recommended that UNFPA "fully incorporate a cultural perspective into health policies, programmes and reproductive health services aimed at providing indigenous women with quality health care, including emergency obstetric care, voluntary family planning and skilled attendance at birth".[1]

3. For several years, UNFPA has been developing capacities among its staff and counterparts in the use of a cultural perspective in its work and has developed resource materials to facilitate and mainstream a culturally sensitive approach in its development efforts. The approach adopted by the Fund has helped to inform project designs that fit diverse national and local contexts without losing sight of the human rights that are being promoted. By taking into account different world views, including different religious and ethical values and cultural backgrounds, the culturally sensitive approach adopted by UNFPA encourages finding locally grown solutions in order to ensure ownership and sustainability of development efforts in favour of indigenous peoples and ethnic minority communities.

4. An example of the above pertaining to reproductive health illustrates the application of such approaches. Providing effective health services, especially preventive care, often depends on the ability of medical and social services to accommodate cultural understandings, perceptions and practices. UNFPA acknowledges that the ways in which indigenous peoples understand the world are essential to their identity and development policies should therefore reflect and reinforce them. Indigenous peoples have much to contribute to development and as more emphasis is given to citizen and community participation and people-centred approaches, applying a cultural perspective includes acknowledging, appreciating and working with the social capital that exists among indigenous and ethnic minority communities.

5. In line with the recommendations of the Forum, UNFPA and its development partners consistently support initiatives that incorporate the culturally sensitive approach to the promotion of human rights, including reproductive rights, in its three programme areas: reproductive health and rights, population and development, and gender equality.

6. The present report provides information on the contributions made by UNFPA to the recommendations of the Forum in the following countries in Latin America and the Caribbean: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru and Suriname; and in Asia and the Pacific region: Bangladesh, Cambodia, China, Lao People's Democratic Republic, Malaysia, Nepal and Viet Nam.

[1] E/2006/43, chap. I, para. 48.

# II. Follow-up to the recommendations of the Permanent Forum on Indigenous Issues

## A. Reproductive health and safe motherhood

7. Regarding the Forum's recommendation that all relevant United Nations entities, as well as regional health organizations and Governments recognize "the principle that health is a fundamental human right",[2] UNFPA continues to advance its work in the development and support of intercultural, human rights-based reproductive health policies and norms, as well as through assisting in the implementation of programmes and strategies through the development of health models that are producing important lessons for scaling up interventions at different levels. South-south cooperation strategies among countries in Latin America and the Caribbean are becoming driving forces in accelerating public policy design and implementation, without overlooking the need of validating experiences in the different cultural and institutional contexts of such countries.

8. Programme strategies include evidence-based advocacy and capacity development on reproductive health and rights among indigenous peoples and communities targeting national and local authorities, including indigenous leaders and indigenous women's organizations, as well as health providers and beneficiaries themselves. Integrated financial, programmatic and technical support for strengthening indigenous women's organizations and networks has been a key strategy, focusing not only on the reproductive rights and needs of indigenous women but also on their institutional needs. This strengthening of indigenous women's organizations and networks is a key intervention if indigenous peoples' ownership and leadership of the initiatives is to be sought. Another important strategy developed in line with the recent reorganization of UNFPA is that of indigenous peoples and State partnering with regional and national organizations and institutions, such as Family Care International and the Economic Commission for Latin America and the Caribbean (ECLAC), for assisting the development of capacities and knowledge generation. At the national and community levels, strategies also include the development of quality and culturally sensitive reproductive health information and education programmes with validation and full participation of indigenous peoples, in order to ensure that these programmes respond to their needs and respect their rights.

9. At the regional level, for instance, the new UNFPA-Spanish Agency for International Development Cooperation (AECID) Latin America initiative on strengthening indigenous women's organizations and health systems to promote maternal health, with an intercultural and human rights-based approach has been supporting the implementation of intercultural reproductive health policies and programmes for indigenous women at both the regional and national levels. This regional initiative in synergy with nationally led processes is focusing on the promotion and attainment of pertinent, intercultural sexual and reproductive health policies and programmes for indigenous women. One of its key elements is the strengthening of the capacities of indigenous women's organizations and networks as advocates for such programmes. The initiative, which receives financial support from AECID, was developed through a consultative process that builds on previous

[2] E/2004/43, chap. I, para. 89.

lessons and it has developed clear outcomes and strategies designed and validated with indigenous women's organizations and networks at both the regional and country levels.

10. In addition to contributing to strengthening indigenous women's organizations, empowering them to demand intercultural sexual and reproductive health and safe motherhood policies and programmes, the initiative has initiated the creation of a platform of knowledge, including traditional knowledge and beliefs, through the systematization and consolidation of experiences and their scaling up. Bolivia, Ecuador, Guatemala, Honduras and Peru are the focus countries of the regional initiative, with Mexico and Panama participating at the regional level as well as in south-south cooperation among countries.

11. In 2008, the Enlace Continental de Mujeres Indigenas de las Americas, Family Care International and UNFPA country offices assisted workshops aimed at country-level indigenous women's organizations and networks in Bolivia, Ecuador and Peru, assessing their existing capacities to promote sexual and reproductive health at the local and national levels.

12. In Latin America and the Caribbean, with different levels of advancement, UNFPA country offices in Belize, Bolivia, Ecuador, Guatemala, Guyana, Mexico, Nicaragua, Panama and Peru are promoting and contributing with ministries of health towards implementation of culturally sensitive approaches to reproductive health policies and programmes aimed at supporting the integration of traditional medicine and beliefs in health and reproductive health services in order to promote the rights of indigenous women and to reduce maternal mortality. In Bolivia, UNFPA supported the Vice-Ministry of Intercultural and Traditional Medicine in the realization of a national summit of traditional doctors and midwives to discuss public policies regarding health, including reproductive health/maternal health, and has contributed with the Government and indigenous peoples in the design of health-related norms. In the past three years, UNFPA has also been supporting the implementation of a project to institutionalize the education of obstetrician nurses within the Bolivian university system. This project will contribute to the development of skilled personnel trained to provide intercultural childbirth attendance. These professionals will be required to work in rural areas where the maternal mortality rate is the highest, including among indigenous women.

13. In Mexico, the promotion of the active participation of indigenous peoples in the areas of reproductive health and rights, population and development and gender equality has been a main concern for UNFPA since 1997. Between 2005 and 2008, UNFPA supported the development of 15 health models related to indigenous peoples in eight states of the country, providing important lessons for scaling up.

14. In Nicaragua, findings from a study on the reproductive health situation of indigenous women in the South Atlantic Autonomous Region, including the contributions of traditional medicine to their health, were disseminated among indigenous communities through interactive radio programmes.

15. In Peru, UNFPA has supported the revision of reproductive health norms with a culturally sensitive approach and promoted the rights of indigenous women to "vertical child delivery".

16. In Guyana, UNFPA is promoting intercultural health by supporting capacity development of health services on intercultural issues, particularly in the maternal and child health clinics.

17. In Guatemala, UNFPA has collaborated with the Ministry of Public Health to strengthen the national reproductive health programme by providing support to the development and implementation of a model for the reduction of maternal mortality, with a strong community component involving local traditional midwives and community committees. Midwives have received training in the provision of basic services to indigenous women and in their referral to obstetric services and are being recognized as community leaders who are capable of acting in participatory mechanisms of official health systems.

18. In Belize, UNFPA contributed to ensuring that indigenous concerns were reflected in the sexual and reproductive health policy review conducted by the Ministry of Health, including accessibility of service provision at the district and community levels with culturally sensitive approaches, taking into account local languages and traditions.

19. In Ecuador, UNFPA supported the Ministry of Health in developing an intercultural model of sexual and reproductive health interventions for indigenous women, taking into consideration their views, and in elaborating and disseminating technical guidelines. Key strategies include the use of Quechua among health providers and the training and physical adaptation of health services for the promotion of "vertical labour". One of the most important achievements is taking place through the strengthening of the user committees, which play a key role in implementing Ecuador's landmark Free Maternity Law. In 2008, UNFPA continued to work with the Government to support the participation of indigenous women in the user committees and in conducting social audits to monitor the implementation of the Law, including in provinces with a high concentration of indigenous peoples.

20. In Panama, UNFPA has been working for over 10 years with indigenous women, empowering them to demand intercultural reproductive health services. Within the framework of Law 10, which creates the Comarca Ngöbe Buglé, the country office has been working with the Ngöbe Women's Association (ASMUNG), a local indigenous women's association, in conjunction with the Ministry of Health and other actors, in providing support for emergency obstetric care and voluntary family planning. Examples of the changes that are slowly taking place are the inclusion of traditional midwives in the childbirth process and their acting as cultural brokers between indigenous women and health personnel. A community home close to health services was created by ASMUNG with UNFPA support to assist indigenous women in overcoming geographical and distance barriers in the days before and after birth. Simultaneously, community transportation mechanisms are being promoted in order to prevent delays in access to health services by pregnant indigenous women. In addition, the office has supported social audits by local women within the Comarca, including through capacity-building to allow them to conduct the audits on issues of sexual and reproductive health and girls' education.

21. Responding to the Forum's recommendation that UNFPA share lessons learned and experiences in dealing with reproductive health issues in a culturally sensitive manner, UNFPA Honduras and other United Nations agencies, including the United Nations Development Programme (UNDP), the United Nations Children's Fund

(UNICEF) and the United Nations Volunteers (UNV), initiated in 2008 an inter-agency project on improving maternal mortality indexes that affects mainly indigenous groups in the country.

22. In the spirit of south-south cooperation, UNFPA has promoted the sharing across countries of knowledge and expertise on intercultural approaches to reproductive health. For example, UNFPA is facilitating exchanges between the urban Kichua population living in Bogota and its homologous community in Ecuador on subjects related to health and traditional medicine. In Panama, doctors and health personnel from the Comarca Ngöbe Buglé have travelled to Peru and Ecuador to observe successful experiences related to intercultural reproductive health practices, such as the integration of Western practices and traditional medicine, including the "vertical child delivery" process. The UNFPA office in Nicaragua supported the participation of indigenous leaders at a meeting on indigenous peoples' rights and reproductive health that took place in Honduras.

23. In Chile, the collaboration of UNFPA with the Ministry of Health in 2008 included support for the training of staff at health centres on intercultural issues and the importance of providing information on ethnicity in the records that they must complete. Further collaboration is expected in 2009, as the Ministry has requested support from UNFPA to strengthen the intercultural approach to maternal, newborn and child health.

24. In Asia, UNFPA has promoted reproductive health and safe motherhood for ethnic minorities in various countries. In Viet Nam, for instance, UNFPA has worked at the policy level with the Ministry of Health and relevant partners to advocate for appropriate health-care policies and resources for ethnic minority regions. At the same time, the country office is supporting comprehensive interventions on safe motherhood and newborn care in 16 remote and ethnic minority districts of seven provinces, taking into account local cultures. Strategies include support for community-based blood banks and emergency referral systems and the supply of reproductive health equipment and essential reproductive health drugs in remote and underserved areas. In addition, ethnic minority midwives in areas where maternal mortality has been high are receiving training in maternal and neonatal health so that they can perform normal deliveries and refer complicated cases to higher levels. The Fund has also promoted integrating health education activities into local cultural events, such as festivals and markets, which has helped in obtaining the support of key gatekeepers, such as religious leaders and village patriarchs.

25. In Lao People's Democratic Republic, UNFPA has initiated, in cooperation with the Ministry of Health, a number of programme strategies, including the production of information, education and communication materials. In addition, cooperation focuses on increased voluntary family planning coverage through training and operationalization of community-based family-planning distributors coming from remote ethnic communities and the provision of services to their own communities, the training of village health volunteers in order to enable them to manage village drug kits, and increased skilled birth attendance at delivery for all ethnic groups.

26. In China, UNFPA interventions in the areas of reproductive health and safe motherhood contribute to advancing the rights of the country's ethnic minority groups. Since 2006, UNFPA, together with the National Population and Family

Planning Commission and the Ministry of Health and in collaboration with local authorities, has been implementing a project aimed at improving quality care in maternal health, preventing and managing sexually transmitted and reproductive tract infections, preventing HIV/AIDS, and promoting and improving access to voluntary family planning and reproductive health information and services. The project targets individuals and communities, especially men and women of reproductive age in 30 counties, some of which have large ethnic minority populations, with materials available in local languages.

27. UNFPA China has also been actively involved in the design and formulation of the Culture and Development Partnership Framework, a three-year (2009-2011) United Nations joint programme that targets directly ethnic minority groups in four of the provinces in which they are concentrated: Yunnan, Guizhou, Qinghai and Tibet. UNFPA, UNICEF and the World Health Organization (WHO), the three agencies engaged in the maternal and child health component of this joint programme, work closely with the Ministry of Health. The work of each includes supporting the local adaptation of existing national maternal and child health policy and guidelines, in each case addressing culture and language issues as well as the overarching issue of poverty, and collaborating with government on the development of high-level policy recommendations for the modelling, monitoring and evaluation of such policy. In addition, to stimulate demand, UNFPA will focus on providing support to the Government in developing and testing new models for community health education, specifically addressing culture and language issues that currently result in the poor uptake of services by minorities, especially women. On the supply side, UNFPA will undertake advocacy with local government and civil society leaders, in order to increase the priority they give to financing and supporting maternal and child health and family planning services for ethnic minorities and to increase the participation of minorities as promoters or service providers.

28. In Nepal, UNFPA continues to support the Government in the population and reproductive health integrated community-based programme. Since 2007, the programme has been implementing a comprehensive demand-driven intervention in specific village development committees. The programme aims to empower communities, including socially excluded groups, to demand quality reproductive health services and strengthen the reproductive health service delivery system at the district and village levels. A key feature of the programme is that it has effectively taken an inclusive approach to mobilizing people from socially excluded groups (especially Dalits, Janajatis and religious minorities) for bottom-up planning processes. Efforts to ensure meaningful participation of the community and strengthening the health delivery system were concentrated in all the village development committees situated in the catchments of selected primary health-care centres in six districts (Saptari, Mahottari, Rauthat, Kapilvastu, Dang and Dadeldhura).

29. UNFPA Bangladesh, in collaboration with other United Nations agencies, is supporting the implementation of an intercultural health programme in the Chittagong Hill Tracts region. The programme focuses on reproductive health, family planning and safe motherhood and takes careful cognizance of the cultural and linguistic diversity of the region's ethnic minorities and difficult geographic terrain. A key strategy has been providing training at the various communities to local health workers and midwives in order to improve reproductive health and

increase access to skilled attendance at delivery, taking into account traditional practices. In addition, within the sixth country programme, UNFPA promoted integrated access to reproductive health and HIV/AIDS information and services for tea garden workers, an indigenous population in Sylhet. The project included a maternal and reproductive health voucher scheme, which may be replicated in the Chittagong Hill Tracts programme.

## B. Migration

30. In line with the Forum's recommendation on addressing the issue of migration among indigenous groups, a project supported by UNFPA in Costa Rica and implemented by the International Organization for Migration (IOM) in close collaboration with the Costa Rican national health-care system (Caja Costarricense de Seguro Social (CCSS) health area of Coto Brus), reaches indigenous women and their families who migrate yearly from Panama into Costa Rica to work in coffee plantations across the border. Initiated in 2003, the Finca Sana project supports mobile teams of health providers who visit the coffee plantations during the coffee season carrying out vaccinations, malaria treatment, prenatal care and other health services for the migrant indigenous population. In its current phase, the project is promoting cultural integration and the development of sustainable, mobile and decentralized health capacities among the migrant Ngöbe Buglé community. Building on this experience, the UNFPA offices in Costa Rica and Panama have begun a joint programming exercise with IOM to formulate a proposal to contribute to improved health, particularly sexual and reproductive health/maternal health, in Ngöbe Buglé communities in the two countries.

31. With the assistance of UNFPA, ECLAC in Chile is carrying out migration studies in border countries, which frequently involve indigenous communities, including migrant youth. The results of these studies are expected to be available by the end of 2009.

32. In Mexico, UNFPA has supported the development of strategies and public policies that address the consequences of migration to and from the State of Guerrero and has developed a project to improve maternal health among indigenous migrant women from the State of Oaxaca, working in both origin and receiving communities.

## C. HIV/AIDS

33. In the area of HIV/AIDS prevention, UNFPA has contributed to the creation of knowledge in Guatemala, Mexico and Nicaragua. In Guatemala, UNFPA supported the elaboration of a study on the knowledge, attitudes and practices of four indigenous communities in the sphere of sexuality and sexually transmitted infections, including HIV/AIDS. UNFPA Mexico supported a study on the linkages between migration, HIV/AIDS and sexually transmitted infections among the Tsotsiles in the State of Chiapas. Some of the findings were used to train indigenous leaders and health personnel. In Nicaragua, UNFPA has provided support for two projects with indigenous women of the Atlantic Autonomous Regions in partnership with non-governmental organizations and the Polytechnic University of Nicaragua. The projects aimed to raise awareness among indigenous women of their rights and

to identify sociocultural gender practices that constitute risk factors for HIV/AIDS and other sexually transmitted infections among the Tasba Pri indigenous peoples.

34. In collaboration with the University of the Autonomous Region of the Caribbean Coast of Nicaragua (URACCAN), UNFPA Nicaragua organized a workshop in 2008 to examine the role and contributions of traditional doctors in the response to the HIV epidemic in the country's Caribbean Coast.

35. In Panama, UNFPA is contributing to the fight against HIV/AIDS by incorporating HIV/AIDS prevention training into all training activities with indigenous community health promoters and with community advocates on women's rights.

## D. Gender equality

36. The Permanent Forum has made several recommendations to the United Nations system concerning equality, empowerment and participation of indigenous women. In particular, the Forum has recommended that the United Nations system "integrate the human rights, including the reproductive health rights, and special concerns and needs of indigenous women into their programmes and policies, and report regularly to the Forum".[3]

37. UNFPA advocates for women's rights, through the promotion of legal and policy reforms to end gender-based violence and discrimination, while addressing sociocultural barriers and supporting indigenous and ethnic minority women's participation and increased access to quality health services. For example, through the regional initiative, the Latin America and Caribbean Regional Office has funded the Enlace Continental de Mujeres Indigenas de las Americas to formulate a plan of action geared to articulating and strengthening the leadership capacities of indigenous women.

38. At the country level, UNFPA has contributed to strengthening indigenous and ethnic minority organizations and networks in Argentina, Bolivia, Ecuador, Mexico, Panama and Viet Nam. In Panama, UNFPA facilitated the participation of Coordinadora Nacional de Mujeres Indígenas de Panamá (CONAMUIP) and the Ngöbe Women's Association in the First International Forum of Indigenous Women. In Viet Nam, UNFPA supports the Women's Union and Farmer's Union, two key civil society organizations active in ethnic minority regions, to integrate health education activities into income-generating models, such as microcredit schemes or agricultural extension activities. UNFPA Argentina has supported indigenous women's organizations by facilitating their participation in regional meetings. In Mexico, the country office is working with the National Centre of Reproductive Health and Gender Equity of the Ministry of Health to develop strategies for the empowerment of indigenous women.

39. In Ecuador, UNFPA facilitated opportunities for indigenous women to network and discuss their agendas, which include sexual and reproductive health, strengthen leadership and create a positive atmosphere for public policies, learning from each other and disseminating good practices among grass-roots organizations. As a result, the indigenous women's secretariat of the Confederation of Indigenous Nationalities

[3] E/2004/43, chap. I, para. 5.

of Ecuador (CONAIE), Ecuador's major indigenous organization, has strengthened its capacity of networking nationally and regionally and has expanded its expertise.

40. In Bolivia, UNFPA in close partnership with the regional initiative has promoted the participation and empowerment of indigenous women's organizations and networks, both in mixed and women only organizations. Its partnership with the Confederation of Indigenous People of Bolivia (CIDOB) and the Bartolina Sisa movement has been longstanding. The recently created National Confederation of Indigenous Women is also a partner in this area.

41. In Lao People's Democratic Republic, UNFPA supported the 2008 exhibition workshop of the Lao National Commission for the Advancement of Women. The workshop provided a forum for discussion of issues related to ethnic groups, including lessons learned from the gender and HIV/AIDS awareness programme for the Akha population in the northern provinces.

42. In Suriname, UNFPA is collaborating with a national women's organization for capacity-building on gender roles and sexual and reproductive health in Maroon communities, targeting men in particular.

43. In collaboration with the National Women's Institute, UNFPA Costa Rica has supported the participation of indigenous women in regional and national consultations leading up to the national policy on gender equality and equity and its action plan, which includes an ethnic perspective.

44. In Guatemala, UNFPA provided support to the Presidential Women's Secretariat for the inclusion of indigenous women's issues in its policies. The national policy for the promotion and development of Guatemalan women includes specific topics related to indigenous women, particularly those related to the prevention of sexual violence, the protection and promotion of rights, participation in decision-making processes and the recognition of de facto equality in the areas of health, education, employment and public and private life matters.

45. In Colombia, UNFPA, along with other United Nations agencies, has been providing humanitarian assistance to internally displaced persons, of which an estimated 80 per cent are indigenous peoples. In the case of UNFPA in particular, special emphasis has been given to working with the displaced Nasa women in order to identify and meet their needs on sexual and reproductive health. In the response to the 2008 flooding, UNFPA worked to create cultural awareness of the needs of indigenous women regarding their sexual and reproductive health and provided support for making dignity kits available to women and girls.

46. Regarding the prevention of gender-based violence, UNFPA is contributing to advancing the rights of indigenous and ethnic minority women and girls in Colombia, Mexico, Ecuador, Malaysia and Guyana. UNFPA Colombia is supporting the implementation of two projects aimed at preventing gender-based violence among indigenous women that have been displaced. In Mexico, UNFPA has contributed to the development of a community participatory and training model with the Tsotsiles and Tseltatles peoples in the State of Chiapas aimed at preventing violence against indigenous women and girls and preventing HIV/AIDS. In Ecuador, UNIFEM and UNFPA supported the Association of Quechua Women in implementing an awareness campaign and training project on gender-based violence as one of the problems that restricts the participation of women and the exercise of their rights at the community level. The strategy consisted of holding mixed training

and awareness-raising workshops, while lobbying with the authorities of the Federation of Quechua Organizations. In Malaysia, UNFPA initiated in 2007 a project to improve the capacities of marginalized and ethnic minority women to protect themselves from violence and other related problems, including HIV, and to build the capacities of and sensitize non-governmental organizations and law enforcement officers, politicians and the media to respond to gender-based violence. A needs assessment was conducted in 2008 to determine follow-up activities in 2009 and beyond. In Guyana, UNFPA supported an empowerment programme for indigenous women and men that addressed gender-based violence.

47. An important process is being carried out with the Emberá population in the Department of Risaralda, Colombia, to transform the practice of female genital mutilation/cutting. After identifying this practice among certain Emberá communities in the areas of Pueblo Rico and Mistrató, UNFPA started an initiative to support the community in an inclusive, participatory process of reflection and dialogue regarding the practice and its implications in order to determine its origins and how best to transform it. The initiative also contributes to strengthening dialogue between indigenous authorities and government institutions regarding access to quality, non-discriminatory reproductive health services. Throughout the process, Emberá women have been empowered through increased knowledge and awareness of women's rights in the community and among women themselves.

48. In line with the Forum's recommendations on indigenous peoples' equal right to education, UNFPA has been working in several countries to promote indigenous peoples' equal access to learning opportunities and gender equality in education. In Panama, for example, UNFPA promoted the training of Ngöbe teachers on gender and masculinity, sexual and reproductive health, with an intercultural approach.

49. In Bolivia, UNFPA supported a project to provide literacy skills in Quechua and in Spanish and to train participants in sexual and reproductive health. Between 1999 and 2007, the project reached more than 137,000 people, of which 79 per cent were women.

50. In Peru, UNFPA provided support to the Ministry of Education for scaling up, starting in 2006, a bilingual literacy project in Quechua and Spanish. The methodology was adopted at the national level, reaching approximately 100,000 men and women, most of them indigenous peoples. Seven thousand instructors were trained to facilitate the educational process.

## E. Indigenous children and youth

51. In line with the recommendations of the Forum regarding indigenous children and youth, UNFPA has supported programmes in several countries, advocating for the inclusion of indigenous adolescents and youth in national youth policies, and has reported regularly to the Forum. In Bolivia, for example, the National Adolescent and Youth Survey 2008, sponsored by UNFPA, included a series of questions on indigenous populations in these age groups.

52. In the sphere of sex education, UNFPA Ecuador supported indigenous organizations in the Sierra and the Amazon regions in preparing sex education materials with an intercultural approach for teachers at bilingual schools, and the "Let's take care" health promotion manual was adapted for their use. In Suriname,

the country office has contributed to the development of bilingual training and education and prevention materials for young people, with careful consideration to and inputs from the members of local communities, health workers and youth.

53. In the Marowyne District of Suriname, UNFPA collaborated with UNICEF to conduct a study on youth and their health in a Maroon community focusing on sexual and reproductive health and linkages to employment and life satisfaction. Findings from the study will inform the development of action plans, with the participation of the young people themselves, in order to address their concerns, including the establishment of youth-friendly health spaces and services.

54. In Panama, UNFPA has been supporting a replicable model on health and sexuality education, empowerment and youth rights among indigenous youth, in close partnership with non-traditional non-governmental organizations and Family Care International in the Veraguas and Comarca Ngöbe Buglé.

55. Of particular interest is the intersectoral approach of the initiative in Guatemala, which targets young adolescent indigenous girls and has been carried out with the technical assistance of the Population Council. UNFPA continues its work with indigenous adolescent girls, contributing to the creation of livelihood skills and job opportunities, along with education in sexual and reproductive health. UNFPA has also provided technical assistance to the Ministry of Education for the redesign of curricula to benefit indigenous peoples, particularly adolescents and youth.

56. In support of indigenous youth, UNFPA Costa Rica in 2008 continued to build the capacities and awareness of indigenous youth around their rights as young people and promoted their participation in activities of the Young People's Council and in the Indigenous Youth Network of the National Commission on Indigenous Affairs.

57. In Mexico, UNFPA has been working for more than 10 years for indigenous youth and has supported the development of several models for sexual and reproductive health communication campaigns in different languages and culturally sensitive education and training materials. Information, communication and education have been key strategies for approaching adolescents and indigenous youth and building trust and knowledge in the state of Chiapas, where audio material was developed in Tsetsal, Tsotsil and Spanish, along with the production and dissemination of an intercultural radio programme providing distance learning and training on sexual and reproductive health. Participatory sexual and reproductive health and reproductive rights models for indigenous youth were also developed in Chiapas and Guerrero with UNFPA support. In San Luis Potosí, UNFPA supported the establishment of a sex education programme, which has strengthened the primary school education model. Similar models have been developed in the states of Hidalgo, Michoacan, Oaxaca, Puebla and Quintana Roo.

58. In 2008, UNFPA supported the initiation in Nicaragua of a project on sexual and reproductive health, geared principally to adolescents and youth of the Caribbean Coast, where indigenous and Afro-descendant youth groups primarily live. The project derives many lessons and best practices from the Mexico experience.

59. UNFPA Guyana has contributed to initiatives aimed at protecting the rights of indigenous populations and in particular youth by promoting awareness on trafficking in persons in the regions where indigenous young women are vulnerable and at high risk. In addition, the country office has supported the establishment of a

youth-friendly space in Region One, which will cater to the needs of a significant number of indigenous young women and men.

## F. Human rights

60. A strong commitment to human rights informs every UNFPA action. The Fund's work in the area of human rights involves working closely with Governments, parliamentarians, civil society organizations, religious and traditional leaders and other decision makers to promote and support initiatives aimed at protecting the rights of women and adolescent girls, including in indigenous and ethnic minority communities.

61. UNFPA is committed to the Declaration on the Rights of Indigenous Peoples and continues to support its implementation and dissemination to ensure that it reaches all sectors of society. In that regard, UNFPA offices in Colombia, Ecuador, Nicaragua, Peru and Viet Nam have contributed to disseminating the text, including by supporting its publication and translation into indigenous peoples' and ethnic minorities' languages.

62. In China, UNFPA has contributed to the dissemination of many underlying principles of the Declaration by sensitizing central, provincial and local level policymakers on the rights and participation of ethnic minorities and by promoting the development of rights-based approaches in the areas of gender, reproductive health and population and development.

63. In Guatemala, UNFPA has contributed to the strengthening of national institutions, such as the Presidential Women's Secretariat, the Office of the Ombudsman of Indigenous Women, the Planning and Programming Secretariat of the Presidency, and the Institute of National Statistics, among others.

64. In Panama, UNFPA supported the Ngöbe population in promoting and advocating their right to health (including reproductive health), education and development, and collaborated with other United Nations bodies in the establishment of a bipartite council on indigenous issues that would participate in Government decisions regarding indigenous peoples. In Guyana, UNFPA contributed to the participation of indigenous populations from five regions in consultations leading up to the development of the Sexual Offences Bill, which has been tabled in Parliament.

65. In Nicaragua, UNFPA has contributed to the promotion of indigenous peoples' rights by strengthening the special ombudsman for indigenous peoples and providing financial and technical assistance for the organization of a national forum against racism, with representation from various civil society organizations, including representation of different ethnic groups.

66. In order to promote the participation and empowerment of ethnic minorities at both local and national levels, UNFPA in Cambodia supported, in 2006 and 2007, consultations on ethnic issues in Rattanakiri, with participants from the two other most populated ethnic minority provinces of Mondulkiri and Preah Vihear. District consultative workshops led to a provincial consultative meeting with active participation of ethnic minorities, relevant Government institutions, stakeholders and donors, bringing their particular needs to the attention of policymakers. In addition, UNFPA has contributed to improving ethnic minorities' understanding and knowledge of their basic rights, including reproductive rights, to ensure representation and active participation in the local planning process. As a result, ethnic minority populations have been able to advocate for the inclusion of specific

issues affecting their lives, including reproductive health and domestic violence, in the commune investment plan.

## G. Population and development

67. In the sphere of population and development, UNFPA promotes the collection and use of disaggregated data to support Governments in designing and implementing policies and programmes that tackle inequities and benefit vulnerable populations. The Fund provides financial support as well as technical support for strengthening national capacity for censuses, surveys and needs assessments, in partnership with ECLAC. One key area of focus will be the 2010 round of censuses, the results of which will be critical to assessing progress towards the Millennium Development Goals.

68. In line with the recommendation of the Forum that all relevant United Nations entities research the needs of indigenous women and the causes of "indigenization" of poverty, UNFPA has been working with partners at the regional and country levels to collect disaggregated data and to develop and disseminate quantitative and qualitative studies on the situation of indigenous peoples, focusing particularly on the rights of indigenous women and girls. In addition, in several countries, UNFPA is working to ensure that indigenous issues are adequately reflected in national censuses.

69. In Latin America, UNFPA has provided, along with other partners, assistance to ECLAC for the analysis of the situation of indigenous peoples of the Americas. The UNFPA partnership with the Population and Development Division of ECLAC has permitted the generation and dissemination of the "System of socio-demographic indicators on indigenous peoples and populations for the Americas", including the elaboration of studies on indigenous urban migration and settlements.

70. In 2008, the Asia-Pacific Regional Office published a comprehensive report on the "Reproductive health of ethnic minority groups in the Greater Mekong Subregion", covering Cambodia, Lao People's Democratic Republic, Thailand, Viet Nam and the Yunnan Province in China. The report provides a review of available data on the sexual and reproductive health of ethnic minority groups in the region and examines the various barriers to access to information and services, which include lack of access to education, limited political and social empowerment and specific barriers due to policy, strategy and budget allocation, as well as physical and geographical constraints. Recommendations include strengthening sexual and reproductive health services by ensuring that they are relevant to cultural understandings and by tailoring provisions to local needs. Beneficiary involvement in planning and development processes, recruitment of service providers from ethnic minority groups and use of local languages are also recommended.

71. At the country level, UNFPA supported the improvement of population and development models and information systems, providing key instruments for the definition and monitoring of public policies in favour of indigenous peoples in Mexico, Ecuador and Belize. UNFPA Mexico supported the development of a model on population, environment and sustainable development among the Lacandona indigenous peoples of Chiapas, including support for the elaboration of surveys and qualitative studies on reproductive health, population dynamics and the usage of

natural resources. In Ecuador, UNFPA assisted the establishment of the National Statistical Committee for Indigenous Peoples and People of Afro-Ecuadorian Descent. This official government body, with government and civil society participation, will seek to develop qualitative and quantitative information and methodologies to derive more precise, disaggregated indicators for measuring life conditions among indigenous peoples. In Belize, UNFPA supported the improvement of the national Health Information System, ensuring the collection and analysis of information disaggregated by ethnicity and geographic location.

72. In Guatemala, UNFPA provided support for the generation and use of disaggregated data on indigenous peoples in rural and urban areas, including gender concerns. A manual on the integration of indigenous peoples and gender issues into the work of Guatemala's National Institute of Statistics has been launched in order to contribute to the inclusion of indigenous and gender issues in the 2010 national census.

73. Regarding the realization of qualitative studies on the situation of indigenous peoples and ethnic groups, UNFPA has contributed to the recommendations of the Forum in Brazil, Bolivia, Lao People's Democratic Republic and Viet Nam. In Brazil, the Fund partnered with the Ministry of Public Affairs, State prosecutors and various universities to carry out, with the assistance of Spanish funds, a comparative study on the situation of the Guarani people living in the border areas of Brazil, Paraguay and Argentina. In 2008, UNFPA Bolivia, in collaboration with Family Care International and the Vice-Ministry of Intercultural and Traditional Medicine, developed a study on sexual and reproductive health among the Aymara, Quechua, Esse Ejja and Cavineño indigenous peoples.

74. In Lao People's Democratic Republic, UNFPA supported the elaboration of various qualitative studies, highlighting traditional practices that can vary among ethnic groups, including differences in the initiation of sexual activity, age of marriage and childbirth practices, and identifying key barriers to women's access to information and education on reproductive health issues, such as language barriers and limited access to education.

75. The country office in Viet Nam has conducted a number of studies on different areas of health care policies and service delivery for ethnic minorities. Findings from the studies have been published and widely disseminated to increase awareness of sexual and reproductive health issues faced by ethnic minorities.

76. In China, the United Nations joint programme will survey and document the health and nutrition situation in project counties with, for the first time in China, specific attention paid to culture and ethnicity, and will collect and assess traditional beliefs and practices regarding health and nutrition using qualitative and participatory field methods. These surveys will be used, first, to create a culturally and linguistically adapted package of maternal and child health and family planning materials and provide necessary supplies and training for ethnic minority leaders and health service providers in pilot sites and, second, to provide recommendations at policy level for improved health policies for ethnic minorities.

77. UNFPA supported the incorporation of indigenous and ethnic minority issues into national censuses in Cambodia, El Salvador, Peru and Viet Nam. In Cambodia, special attention has been given to advocacy materials for ethnic groups and selection of enumerators belonging to ethnic groups to ensure the full participation

of these groups in the 2008 census, with data disaggregated by indigenous languages. In El Salvador, UNFPA promoted the involvement of indigenous peoples in the process of the 2007 census of housing and population, which included information on indigenous issues for the first time since 1930. In Peru, UNFPA has supported national efforts to include in the questionnaire of the national census a question regarding the language spoken by the mother or grandmother of the interviewee in order to identify those people that come from households with indigenous ancestry. In Viet Nam, UNFPA is providing technical and financial support to the 2009 census to ensure that health and socio-economic indicators reflect ethnic minorities' issues.

78. In Belize, UNFPA supported the Statistical Institute of Belize in the preparations for the 2010 census, including on issues of coverage and disaggregation and analysis of data on indigenous populations.

79. In Ecuador, civil servants from the National Institute of Statistics were sensitized and trained on the cultural aspects regarding censuses and surveys in the lead up to the 2011 census.

80. In Brazil, UNFPA is working with the Government's Brazilian Institute of Geography and Statistics (IBGE) on a pilot census on indigenous peoples, which will provide data that will allow for better estimation of indigenous needs, as well as formulation of more effective public policies to protect their rights.

## H. Inter-agency coordination

81. The practice of inter-agency coordination at the country level is in keeping with the United Nations reform and with the Permanent Forum's mandate to heighten awareness about indigenous issues and to promote integration and coordination of all activities related to these issues within the United Nations system.

82. As part of United Nations country teams, UNFPA has contributed to promoting and consolidating inter-agency intercultural thematic groups in Bolivia and Ecuador. In Ecuador, the Fund continues to coordinate the thematic group on intercultural affairs. In Chile, UNFPA is involved in the inter-agency group on indigenous peoples. In Lao People's Democratic Republic, UNFPA is a member of the United Nations ethnic peoples working group.

83. In Mexico, UNFPA is working with other United Nations agencies to promote active and meaningful participation of indigenous peoples in the development of public policies, at both national and state levels. In Suriname indigenous issues were included in a broad consultation on national priorities and actions during the United Nations Development Assistance Framework (UNDAF) process. In Belize, UNFPA worked with other United Nations agencies and national partners to promote the discussion of indigenous issues in all programmatic activities.

84. In Nepal, UNFPA participated in the United Nations country team review of the draft United Nations Development Group guidelines on indigenous peoples' issues and in the combined training on the human rights-based approach and indigenous issues that was held in February 2009. UNFPA is a member of the Social Inclusion Action Group, which comprises United Nations agencies, international non-governmental organizations and donors.

85. In Nicaragua, inter-agency collaboration has focused on increasing knowledge and awareness of the rights of indigenous populations, including their reproductive rights. The country office, in coordination with UNDP, carried out a workshop to discuss the Millennium Development Goals and their implications for indigenous and ethnic leaders of the Caribbean Coast.

## III. Obstacles

86. Facilitating factors and challenges encountered in our work on indigenous and ethnic minority issues have varied greatly across countries, influenced, among others, by national priorities and political opportunities. In many countries, political conditions have been important opportunities for advancing indigenous women's rights, including reproductive rights, and promoting the incorporation of an intercultural perspective into public policies and reproductive health services for indigenous women.

87. In other countries, challenges have been related to the lack of adequate budgets and changes in Government institutions. In some instances, national health systems and health providers themselves have been reluctant to incorporate the cultural perspective into national programmes. It is through advocacy and strengthening the participation of indigenous women themselves that obstacles are being overcome to varying degrees in different countries. There is a need to emphasize the incorporation of an intercultural perspective into maternal health with Governments if Millennium Development Goal 5 is to be achieved, with due respect for human rights, including the reproductive rights, of indigenous and ethnic minority women.

88. A positive development has been the establishment, in most countries, of partnerships with key governmental and civil society partners and indigenous and ethnic networks that have become strategic for UNFPA in contributing to the implementation of the recommendations of the Forum at both the regional and country levels. An additional facilitating factor has been the Declaration on the Rights of Indigenous Peoples, together with the support it has received from most countries in Latin America and the Caribbean.

## IV. Other relevant activities

89. In line with the recommendations of the Forum, the Latin America and the Caribbean Regional Office and the Asia and Pacific Regional Office of UNFPA have adopted the topic of indigenous issues as a priority area in their current regional programmes (2008-2011).

90. The Latin America and the Caribbean Regional Office has formulated its strategic plan for indigenous issues to provide increased guidance to country offices and partners working on indigenous issues during its 2008-2011 programme cycle. The Office has also requested all its country offices to consider indigenous issues in their programming processes. Likewise, in order to advance indigenous issues in the region, the Regional Office has established an ad hoc working group comprising staff members from country offices and the country support teams.

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**Half-day discussion on the Arctic**

## Information received from the United Nations system and other intergovernmental organizations

### Report of the United Nations system in Ecuador

*Summary*

This report has been drawn up on the basis of contributions made by the agencies of the United Nations system in Ecuador against the background of the recommendations made at the Permanent Forum on Indigenous Issues and the objectives of the Second International Decade of the World's Indigenous People. This is the fourth joint report submitted to the Permanent Forum by the United Nations agencies in Ecuador; it was prepared by the inter-agency intercultural theme group, chaired by the United Nations Population Fund in Ecuador.

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# I. Joint programming

1. The joint programming activities developed by the United Nations system intercultural theme group in 2008 are presented below.

2. As the lead agency in the inter-agency intercultural theme group, the United Nations Population Fund (UNFPA) coordinated the participation of eight agencies in the United Nations system in preparing the programme entitled "Development and Cultural Diversity to reduce Poverty and promote Social Inclusion", which was submitted to the Thematic Window for Culture and Development of the United Nations Development Programme-Spain Millennium Development Goals Achievement Fund. This programme was drawn up jointly with the Ministry of Coordination for Cultural and Natural Heritage, a Government body linking the five ministries connected to the main parts of the programme. The programme, which has a budget of US$ 5.5 million over a three-year period, will operate in the provinces of Chimborazo, Esmeraldas and Sucumbíos, focusing its activity on three main areas: public policies, economic undertakings and the use of statistics in decision-making.

3. The Programme for the Conservation and Sustainable Management of the Natural and Cultural Heritage of the Yasuní Biosphere Reserve, implemented with the support of six United Nations agencies in Ecuador — including the United Nations Development Programme (UNDP) — and financed by the UNDP-Spain MDG Achievement Fund, along with the Ministry of the Environment project on protective measures for the Tagaeri and Taromenane peoples, organized a regional meeting (for the Amazon and Gran Chaco regions) involving experts from Ecuador, Peru, Brazil, Paraguay and Bolivia to contribute to the establishment of a regional policy on peoples in voluntary isolation.

4. Intercultural issues were also promoted in the context of the United Nations Development Assistance Framework (UNDAF) joint programming in Ecuador for 2010-2014. UNDAF promotes intercultural issues in two ways: through specific results to be achieved by the various agencies in their country programmes, and by including intercultural matters as a cross-cutting issue throughout UNDAF. To do this, a methodology has been drawn up which includes a checklist. In addition, in the context of drawing up UNDAF, the United Nations system carried out with national counterparts a number of exchange, consultancy and validation workshops, one of which, on the issue of national identity and intercultural matters, was led by the intercultural theme group and included participation by representatives of the indigenous movement, including the Confederation of Indigenous Nationalities of Ecuador (CONAIE), the Indigenous Movement of Chimborazo, the Confederation of Quichua Nations of Ecuador, the Ecuadorian Indian Federation (FEI), and representatives from the Afro-Ecuadorian movement and State bodies related to intercultural issues, such as the Development Council for the Nationalities and Peoples of Ecuador (CODENPE), the National Directorate for Bilingual Intercultural Education and the Intercultural Health Department of the Ministry of Public Health.

## II. Missions of the United Nations Independent Expert on the question of human rights and extreme poverty and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

5. During the November 2008 mission to Ecuador by Ms. Magdalena Sepúlveda Carmona, United Nations Independent Expert on the question of human rights and extreme poverty, the Office of the United Nations High Commissioner for Human Rights (OHCHR) facilitated a meeting with indigenous social movements in Ecuador, whose members gave the expert their views on the different social programmes initiated by the current Government, and their ideas about what the definitions of poverty and development mean in the current context. The United Nations system, the Government and the social movements are awaiting the expert's report and recommendations in order to support its implementation and/or follow-up.

6. In the context of the debate on the Constitution that was approved in September 2008, the United Nations system arranged for the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, to be present, in order to help Ecuadorian Assembly members better understand the scope of the United Nations Declaration on the Rights of Indigenous Peoples. His presence was appreciated both by the authorities and members of the Assembly and by leaders of the national indigenous organizations who had bilateral meetings with him in order to discuss their concerns with regard to the proposed inclusions in the Constitution.

## III. Distribution of the United Nations Declaration on the Rights of Indigenous Peoples

7. The inter-agency intercultural theme group has published the contents of the United Nations Declaration on the Rights of Indigenous Peoples and distributed it to various interested parties, including the leaders of indigenous organizations in Ecuador, the members of the Constituent Assembly and the media, among others. OHCHR has translated and published the Declaration in Quechua.

8. In addition, under the coordination of OHCHR, the inter-agency intercultural theme group has translated and published the Universal Declaration of Human Rights in the following native languages of Ecuador: Chaa'pala, Shuar Chicham, Achuar Chicham/Shiwiar Chicham, Sápara Atupama, Wao Tededo, Awapit, Tsafiki, Bai Koka/Pai Koka, A'ingae, Sia Pedee, Andoa and Quechua.

9. Representing the Regional Bureau for Latin America and the Caribbean (RBLAC), UNDP in Ecuador participated in the Regional Seminar for South America on the United Nations Declaration on the Rights of Indigenous Peoples, held in Lima and also attended by a number of delegates from indigenous organizations and Ecuadorian State bodies.

10. UNDP supported the publication of several documents, including the United Nations Declaration on the Rights of Indigenous Peoples in Quechua and in Spanish, and the articles of the new Constitution of Ecuador concerning indigenous peoples.

## IV. The environment and community tourism

11. The Small Grants Programme has financed several projects with associations and thematic networks that are working on environmental issues with indigenous organizations.

12. The World Tourism Organization (UNWTO), through its Sustainable Tourism-Eliminating Poverty programme in Ecuador, has been working to strengthen community tourism in poor areas with a high potential for tourism, especially in the areas of enterprise management, commercialization and access to finance, as well as supporting the creation of the first community tourism group in Latin America, made up of 25 trainers using the methodology of the International Labour Organization Latin America Sustainable Tourism Network (ILO-Redturs). In this, UNWTO had support from and worked in conjunction with other United Nations agencies such as UNDP and ILO-Redturs.

## V. Intercultural health issues

13. In the context of the efforts to establish an intercultural health model in Otavalo, UNFPA has supported the training of hospital health-care workers in Quechua in order to facilitate communication between health-care workers and the indigenous population. As part of this effort, a book of basic Quechua for health-care workers was produced, and has been adopted by the Ministry of Public Health for other operational units in the country.

14. The United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the Pan American Health Organization (PAHO) have worked together with the Ministry of Health to create technical guidelines for culture-appropriate childbirth, which include care protocols and specific standards of care for childbirth that take account of culture.

15. UNFPA has supported the establishment of an intercultural health model at the public hospital in Otavalo in response to the needs and requests of indigenous women with regard to health care. The hospital has made progress in installing a delivery room designed for vertical births and training midwives who work with the hospital for example by referring pregnant women to health-care facilities and by providing care. The vertical birth room is the first in the country and serves as a model so that the Ministry of Health can extend this service to other provinces. It is hoped that this strategy will diminish cultural barriers and decrease mother and child morbidity and mortality rates, which will contribute to the achievement of the Millennium Development Goals.

16. Strengthening the Free Maternity and Child Care Act beneficiaries' committees by placing emphasis on indigenous women in the Amazon region of Ecuador is a UNFPA priority that has achieved significant results by improving the access of indigenous women to health-care services, facilitating emergency transport, providing information about the benefits of the Act, monitoring the quality of health-care services and bringing service providers closer to the users of those services. This is an exercise in empowering indigenous women as a strategy for achieving their rights.

## VI. Indigenous languages

17. The ninth International Mother Language Day was celebrated on 21 February 2008. International Mother Language Day was a particularly appropriate occasion to recall a number of fundamental issues. Languages are an integral part of identity for indigenous people and peoples, essential to their peaceful coexistence, and a strategic factor in any progress towards sustainable development and fostering harmonious links between global and local issues.

## VII. Disaggregating data and statistics

18. UNFPA supported the establishment of the National Commission on Statistics for Indigenous and Afro-Ecuadorian Peoples, whose mission is to harmonize and agree on quantitative and qualitative information about indigenous and Afro-Ecuadorian peoples, and to approve the methods for calculating socio-demographic indicators. It is a technical body with participation from the National Statistics and Census Institute, CODENPE, the Afro-Ecuadorian Development Corporation (CODAE), and representatives of national organizations of indigenous peoples. The Commission is preparing for the 2011 census in order to ensure that indigenous and Afro-Ecuadorian peoples participate in the preparatory process and in the census itself.

## VIII. Indigenous women

19. UNIFEM has held a regional event attended by 213 indigenous peoples in the region to discuss indigenous women's access to indigenous traditional justice. The event took place within the framework of the regional programme on the topic of "Working to combat ethnic and racial discrimination through the effective implementation of the rights of Latin American indigenous women", and had the support of the United Nations system inter-agency gender and intercultural theme groups. It was attended by women from Bolivia, Peru, Ecuador, Colombia, Panama, Honduras, Nicaragua, Guatemala and Mexico.

20. UNFPA has supported, through regional funds, the strengthening of a national network of indigenous women which, in addition to reinforcing the CONAIE Office for Women and Families, is linked to the Enlace Continental de Mujeres Indígenas de las Américas, Región Sur. Alongside the development of this network, an agenda for indigenous women is being drawn up, including five priority areas of action: land and territories, participation in politics, sexual and reproductive rights and gender-based violence, economic rights, and culture and development.

## IX. Achievements and challenges

21. One of the greatest achievements in Ecuador is that the rights of indigenous peoples have been recognized in the new Constitution, which recognizes the international instruments regarding indigenous peoples as binding.

22. The country's challenges include strengthening the institutions of the State, incorporating an intercultural focus in public policies, and obtaining access to the

resources necessary for the implementation of national programmes in the context of the international crisis that is affecting Ecuador's internal situation.

23. Another significant challenge for the country is to manage the conflict between the mining of natural resources and the rights of the indigenous peoples (which include the rights to consultation and participation, the right to their territories and the right to define their development priorities). For example, the draft mining law that is currently being discussed has created unrest among the indigenous peoples, who claim that it infringes on their rights to water, to land and to live in a healthy environment.

24. As members of the United Nations system, it is our challenge to implement the programme of Development and Cultural Diversity to reduce Poverty and promote Social Inclusion, which will test the ability of each agency, and the system as a whole, to implement a coherent programme to benefit indigenous peoples and achieve specific results.

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## Information received from Governments

## Namibia

### I. Introduction

1. In Namibia, the term "indigenous peoples" is not applicable since all the Namibians are indigenous peoples of their country. However, the wording "most marginalized people" is applicable and it refers to the most vulnerable and extremely poor people of our community. These include the San and Ovahimba (Ovatue) peoples of our country and other small group of minorities.

2. It is against this background that the Cabinet of the Republic of Namibia, according to decision No. 25/29.11.05/001, in 2005 approved the development of a focused and dedicated programme for the development of the San communities called the "San Development Programme", so that they can be integrated into the mainstream of our economy to achieve "Vision 2030" and the Millennium Development Goals on the eradication of extreme poverty. In terms of local policy on development, which is referred to as the Third National Development Plan (NDP3), the welfare of the San peoples is categorized under key result area; and quality of life. The Cabinet also approved that the Programme be under the Office of the Prime Minister, spearheaded by the Hon. Deputy Prime Minister.

3. Since the inception of the Programme various programmes and projects have been implemented for the benefit of this community. These include access to education for San learners; resettlement of San communities on farms; coffin-manufacturing projects for the San peoples; provision of draught animals and garden projects; employment opportunities; aquaculture projects; San women projects; and

* E/C.19/2009/1.

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beekeeping projects. It is estimated that since 2005, the Government has spent close to N$ 3 million on the Programme.

4. In addition, in 2007 the Cabinet directed the Office of the Prime Minister, spearheaded by the Hon. Deputy Prime Minister, to resettle the Ovatue and Ovatjimba communities in the Kunene region. These communities have been successfully resettled at Otjomuru, Otjikojo and Ohaihuua villages. At all three villages, access to housing, access to clean water, primary schools and health facilities have been provided. The community has also received cattle and goats to start farming, and garden projects have been introduced. It is estimated that the Government has spent N$ 3.5 million on this project.

5. The Government of the Republic of Namibia will continue in its efforts to assist our most marginalized communities where possible, to make sure that all of us as Namibians are integrated into the mainstream of our economy to achieve our "Vision 2030". There is no doubt that other marginalized communities will benefit from the Programme in the future.

## II. Questionnaire to the Government from the United Nations Permanent Forum on Indigenous Issues

1. The Republic of Namibia would like to address the questionnaire to Governments as follows:

(a) The Republic of Namibia is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples;[1]

(b) Our policy is referred to as "NDP3", which is a poverty reduction strategy paper and includes the eradication of extreme poverty among our most marginalized people and their participation, and is in line with the objectives and implementation of the Millennium Development Goals;[2]

(c) The Government of Namibia is trying its utmost to make sure that all Namibian children have access to school and this includes children from the most marginalized communities. Under the San Development Programme specific efforts are specifically made for the marginalized children to assist them where possible;[3]

(d) Under the Namibian Constitution all human rights issues are guaranteed and protected accordingly;[4]

(e) All our law enforcement agencies are required to be familiar and acquaint themselves with human rights issues and the principle of human dignity whenever they are executing their duties;[5]

(f) The Government of Namibia is promoting the establishment of community radios. Currently a radio station has been established in the Tsumkwe

[1] See *Official Records of the Economic and Social Council, 2008, Supplement No. 23* (E/2008/43), para. 18.
[2] Ibid., para. 64.
[3] Ibid., para. 89.
[4] Ibid., para. 90.
[5] Ibid., para. 92.

area and will be expanded to other areas where the most marginalized communities are living, provided there is an availability of resources.[6]

2. Capacity-building and lack of resources on the part of the Government are obstacles to the implementation of the Permanent Forum's recommendations.

3. The Government of Namibia has put policies in place to address the issues of eradication of extreme poverty. These include NDP3 and Vision 2030.

4. The San Development Programme is in the Office of the Prime Minister.

5. The Government of Namibia just recently signed the United Nations Declaration on the Rights of Indigenous Peoples and is looking forward to suggestions from and constructive dialogue with the United Nations Permanent Forum on Indigenous Issues to promote respect for and full application of the provisions of the Declaration.

[6] Ibid., para. 149.

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# Information received from Governments

## Honduras

## I. Responses to the recommendations made to Governments at the seventh session of the Permanent Forum on Indigenous Issues[1]

1. In 1994, the Government of Honduras became the eighth country in the world to adopt and ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

2. Since 1995, the Government of Honduras has funded, with the resources of international and governmental organizations, a number of governmental programmes and projects aimed at meeting the needs of indigenous and Afro-Honduran peoples. Examples are:

(a) "Our Roots" programme of the Honduran Social Investment Fund, funded in the amount of US$ 20 million;

(b) Special Prosecutor's Office for Ethnic Affairs and Cultural Heritage of the Public Prosecutor's Office, funded in the amount of $3 million;

(c) National Education Programme for the indigenous and Afro-Caribbean ethnic groups of Honduras, funded in the amount of $15 million;

(d) Assistance Programme for the Indigenous Peoples of Honduras, funded in the amount of $3.5 million;

* E/C.19/2009/1.

[1] *Official Records of the Economic and Social Council, 2008*, Supplement No. 23 (E/2008/43).

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(e) Programme for the Comprehensive Development of Indigenous Peoples, funded in the amount of $11.5 million;

(f) Indigenous Peoples Unit, attached to the Ministry of the Interior and Justice, funded in the amount of $1 million;

(g) Draft special act on the comprehensive development of indigenous and Afro-Honduran peoples;

(h) Strategy for the Comprehensive Development of the Indigenous Peoples of Honduras, containing a 25-year vision for the development with identity of indigenous peoples.

## II. Follow-up to recommendations on the economic and social development of indigenous women and on the Second International Decade of the World's Indigenous Peoples

3. In all its actions following Honduras' ratification of ILO Convention No. 169, the Government of Honduras has engaged in a process of free, prior and informed consultation with the indigenous peoples of Honduras. Specifically, the concepts of inclusion and gender equity have been mainstreamed in the projects and programmes that directly benefit indigenous peoples. The two most recent contributions to the development of a national policy on indigenous peoples, namely a draft special act on the comprehensive development of indigenous and Afro-Honduran peoples and the Strategy for the Comprehensive Development of the Indigenous Peoples of Honduras, are tangible evidence of these efforts.

## III. Problems encountered in implementing the Permanent Forum's recommendations

4. It should be noted that the Government of Honduras does not attend meetings of the Permanent Forum on a regular basis.

## IV. Factors that have facilitated implementation of the Forum's recommendations

5. The efficient and effective computerized system developed by the Permanent Forum, which enables access to all the discussions and decisions relating to indigenous issues, has been a positive factor in this respect.

## V. National institutions responsible for coordinating indigenous issues

6. These institutions include the Indigenous Peoples Unit, which is attached to the Ministry of the Interior and Justice and headed by Edy Menab Ronas: edymiskut@yahoo.com; landlines (504) 232-6836, (504) 239-5433 and (504) 235-4968; mobile (504) 9960-4047.

7. Another institution worthy of mention is the Programme for the Comprehensive Development of Indigenous Peoples (DIPA), which is attached to the Ministry of the Interior and Justice and headed by Carlos Mauricio Palacios: cpalacios@gobernacion.gob.hn; land lines (504) 232-6836, (504) 239-5433 and (504) 235-4968; mobile (504) 9998-1136.

## VI. Systematic capacity-building programmes for civil servants responsible for indigenous issues

8. The Programme for the Comprehensive Development of Indigenous Peoples (DIPA) (1689/SF-HO) offers assistance to Government agencies through its institutional strengthening component in order to meet the needs of indigenous peoples in a culturally relevant manner.

## VII. Information on the Government's promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples and suggestions for ways in which the Permanent Forum could, in accordance with article 42 of the Declaration, establish a constructive dialogue with Member States in order to promote respect for and full application of the provisions of the Declaration and to follow up the effectiveness of the Declaration

9. A communications and dissemination strategy is being developed as part of the Comprehensive Development Programme in order, inter alia, to inform and build the capacity of indigenous peoples and civil servants, through the use of traditional and non-traditional mechanisms and systems, within the national and international legal framework for the protection of the rights of indigenous and Afro-Honduran peoples.